

Nicaragua

Incidence and Nature of Child Labor

An estimated 10.9 percent of children ages 6 to 14 years were counted as working in Nicaragua in 2001. Approximately 15.7 percent of all boys 6 to 14 were working compared to 5.8 percent of girls in the same age group. The majority of working children were found in the agricultural sector (62.5 percent), followed by services (31.8 percent), manufacturing (5.3 percent), and other sectors (0.4 percent).³³⁵⁴ Children work in the production of such crops as coffee, corn, sugar, and tobacco.³³⁵⁵ Children also work in markets, street sales, restaurants, and hotels; manufacturing; and personal services, such as domestic service in third-party homes. A small percentage of children engage in mining, stone quarrying, construction, and transport.³³⁵⁶ The majority of children work in the informal sector, and some are engaged in garbage dump scavenging.³³⁵⁷ Some children engage in begging, and the Ministry of Labor of Nicaragua reports that some children are “rented” out by their parents to organized groups of beggars.³³⁵⁸ Child labor is one of many problems associated with poverty. In 2001, 45.1 percent of the population in Nicaragua were living on less than USD 1 a day.³³⁵⁹

Child prostitution is a problem in Nicaragua.³³⁶⁰ Nicaragua is a source and transit country for children trafficked for the purpose of sexual exploitation. Children are trafficked within Nicaragua from rural to urban areas and from the country to other parts of Central America and Mexico.³³⁶¹

Education is free and compulsory through the sixth grade, or to the age of 12.³³⁶² The U.S. Department of State reports, however, that this provision is not enforced.³³⁶³ In addition, although education is

³³⁵⁴ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children’s work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the section in the front of the report titled “Data Sources and Definitions.”

³³⁵⁵ See also UN Committee on the Rights of the Child, *Written Replies by the Government of Nicaragua Concerning the List of Issues (CRC/C/Q/NIC/3) Formulated by the Committee on the Rights of the Child in Connection with Consideration of the Third Periodic Report of Nicaragua*, CRC/C/RESP/83, prepared by Government of Nicaragua, pursuant to Article 44 of the Convention on the Rights of the Child, April 18 2005, 56; available from [http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/3faa16ea862e67b2c125701f00457e2f/\\$FILE/CRC_C_R_ESP_83\(E\).doc](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/3faa16ea862e67b2c125701f00457e2f/$FILE/CRC_C_R_ESP_83(E).doc).

³³⁵⁶ Ministry of Labor, ILO-IPEC, and CNEPTI, *National Report on the Results of the Child and Adolescent Labour Survey in Nicaragua*, Geneva, April 2003, 29-30.

³³⁵⁷ U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Nicaragua*, Washington, D.C., February 28, 2005, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2004/41768.htm>.

³³⁵⁸ Ibid.

³³⁵⁹ World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

³³⁶⁰ See Ibid., Section 5. See also The Protection Project, *Nicaragua*, Washington, DC, 2005; available from <http://www.protectionproject.org/report/nicaragua.doc>.

³³⁶¹ U.S. Department of State, *Trafficking in Persons Report- 2005: Nicaragua*, Washington, D.C., June 3, 2005; available from <http://www.state.gov/g/tip/rls/tiprpt/2005/46614.htm>.

³³⁶² The Republic of Nicaragua, *Constitución de Nicaragua*, (1987, with 1995 reforms), Article 121; available from <http://www.georgetown.edu/pdba/Constitutions/Nica/nica95.html>. See also U.S. Department of State, *Country Reports- 2004: Nicaragua*, Section 5. See also UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Nicaragua*, CRC/C/15/Add.108, Geneva, August 24, 1999, para 23; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/a60af0697af839428025679700483778?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/a60af0697af839428025679700483778?Opendocument).

³³⁶³ U.S. Department of State, *Country Reports- 2004: Nicaragua*, Section 5.

theoretically free, parents are still charged school fees in some instances.³³⁶⁴ In 2002, the gross primary enrollment rate was 108 percent and the net primary enrollment rate was 85 percent. Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance.³³⁶⁵ In 2001, 85 percent of children ages 6 to 14 years were attending school.³³⁶⁶ As of 2001, 65 percent of children who started primary school were likely to reach grade five.³³⁶⁷ In 2000, 50 percent of working children did not attend school.³³⁶⁸

Child Labor Laws and Enforcement

The Labor Code of 1996 and the Child and Adolescent Code of 1998 set the minimum age for employment at 14 years.³³⁶⁹ A ministerial resolution also specifically prohibits children under 14 from work in export processing zones, while another prohibits contracting children under 16 for work at sea.³³⁷⁰ The UN Committee on the Rights of the Child has raised concerns about the gap between age for completing compulsory schooling and the minimum age of work.³³⁷¹ The ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) has stated that the minimum age provision in Nicaraguan law appears to apply only to work relationships where a contract between employer and worker exists, thereby excluding children working on their own account or children in the informal sector who often do not have formal contracts with their employer.³³⁷²

Children 14 to 16 years old cannot work without parental permission.³³⁷³ Under the Labor Code, adolescents 14 to 18 cannot work over 6 hours a day or 30 hours a week. Adolescents are also prohibited from engaging in work that endangers their health and safety, such as work in mines, garbage dumps, and night entertainment venues, and work that may interfere with schooling.³³⁷⁴ ILO's CEACR has expressed concern that adolescents ages 16 to 18 may not be fully protected against performing certain kinds of hazardous work.³³⁷⁵ For violations of child labor laws, the Labor Code calls for the imposition of fines from 5 to 15 times the average minimum wage in Nicaragua. Revenues for fines are assigned to the

³³⁶⁴ UN Committee on the Rights of the Child, *Summary Record of the 1043rd Meeting*, CRC/C/SR. 1043, Geneva, June 8, 2005, 6; available from [http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/d18ca2b74eeae926c12570210046d2ff/\\$FILE/G0542165.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/d18ca2b74eeae926c12570210046d2ff/$FILE/G0542165.pdf).

³³⁶⁵ UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51> (Gross and Net Enrolment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.

³³⁶⁶ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

³³⁶⁷ UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55> (School life expectancy, % of repeaters, survival rates; accessed December 2005).

³³⁶⁸ Ministry of Labor, ILO-IPEC, and CNEPTI, *National Report on the Results of the Child and Adolescent Labour Survey*, 36.

³³⁶⁹ Government of Nicaragua, *Ley núm. 474 por la que se dicta la Ley de reforma al Título VI, Libro Primero del Código de Trabajo*, (October 21, 2003), Article 2; available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_isn=67286. See also Government of Nicaragua, *Código de la Niñez y la Adolescencia, Ley. No. 287*, (May 1998), Article 73; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/55822/66754/S98NIC01.htm>.

³³⁷⁰ Ministry of Labor, ILO-IPEC, and CNEPTI, *National Report on the Results of the Child and Adolescent Labour Survey*, 17.

³³⁷¹ UN Committee on the Rights of the Child, *List of Issues to be taken up in Connection with Consideration of the Third Periodic Report of Nicaragua*, CRC/C/Q/NIC/3, February 11, 2005, 3; available from [http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/0f01c004cf2737b2c1256fe10037e1d9/\\$FILE/CRC.C.Q.NIC.3\(Nicaragua\).pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/0f01c004cf2737b2c1256fe10037e1d9/$FILE/CRC.C.Q.NIC.3(Nicaragua).pdf).

³³⁷² ILO-CEACR, *Direct request, CEACR 2003/74th Session: Minimum Age Convention, 1973 (No. 138) Nicaragua (ratification: 1981)*, 2003; available from <http://webfusion.ilo.org/public/db/standards/normes/appl/appl-displaycomment.cfm?hdroff=1&ctry=0440&year=2003&type=R&conv=C138&lang=EN>.

³³⁷³ U.S. Department of State, *Country Reports- 2004: Nicaragua*, Section 6d.

³³⁷⁴ *Ley núm. 474*, Articles 3-5.

³³⁷⁵ ILO-CEACR, *Direct request*.

National Commission for the Progressive Eradication of Child Labor and Protection of the Young Worker (CNEPTI). As of May 2005, minimum wages ranged from 769 Cordobas (USD 43) per month in agriculture to 1838 Cordobas (USD 103) per month in banking and construction.³³⁷⁶

The worst forms of child labor are prohibited under different laws in Nicaragua. The Constitution prohibits forced labor, slavery, and indentured servitude.³³⁷⁷ The Constitution, which had abolished obligatory military service, was amended in 1995 to allow conscription. There has been no policy of conscription since that time, however, and the minimum age for conscription is unclear.³³⁷⁸ The Penal Code establishes a penalty of 4 to 8 years of imprisonment for those found guilty of recruiting children under 16 years into prostitution and 12 years of imprisonment for recruiting children under 12 years.³³⁷⁹ The Children and Adolescents' Code forbids any person from promoting, filming, or selling child pornography.³³⁸⁰ The Penal Code prohibits trafficking in persons and imposes a penalty of 4 to 10 years of imprisonment for those found in violation of the law.³³⁸¹ Since 1999, the Government of Nicaragua has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.³³⁸²

The government has a Child Labor Inspector's Office within the Ministry of Labor's Inspector General's Office; however, the Office does not have its own inspectors. The country's 72 general inspectors and 18 hygiene and safety inspectors are responsible for carrying out regular inspections throughout the country monitoring labor conditions including compliance with child labor laws and regulations.³³⁸³ During 2004, the most recent year for which such information is available, 121 infractions of child labor laws were discovered involving 2,102 children. The majority of infractions were found in the agricultural sector in rural areas, and the three most common types of infractions were contract violations, excessive working hours, and health and safety violations.³³⁸⁴ The Ministry of Labor reports that strip clubs are inspected several times a year to prevent the employment of children.³³⁸⁵ The Ministry of Labor is responsible for enforcing child labor laws and levying fines against employers violating the Labor Code.³³⁸⁶ The Ministry of Government is responsible for overall law enforcement in the country and operates an anti-trafficking office.³³⁸⁷ According to the U.S. Department of State, the government did not allocate adequate resources to enable the Ministry of Labor to perform its duties effectively.³³⁸⁸

³³⁷⁶ Ley núm. 474, Article 6. See also NATLEX,

http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=NIC&p_classification=04&p_origin=COUNTRY (Decreto núm. 22-97 de creación de la Comisión Nacional para la erradicación progresiva del trabajo infantil y la protección del menor trabajador, accessed December 16, 2005). See also U.S. Embassy- Managua, *reporting*, July 26, 2005. For currency conversion, see Oanda.com, *FXConverter*, [online] [cited July 1, 2006]; available from <http://www.oanda.com/convert/classic>.

³³⁷⁷ *Constitución de Nicaragua*. Articles 40-4. See also U.S. Department of State, *Country Reports- 2004: Nicaragua*, Section 6c.

³³⁷⁸ Coalition to Stop the Use of Child Soldiers, "Nicaragua," in *Child Soldiers Global Report 2004* London, 2004; available from http://www.child-soldiers.org/document_get.php?id=833.

³³⁷⁹ Government of Nicaragua, *Código Penal de la República de Nicaragua*, (1974), Article 201; available from http://www.unifr.ch/derechopenal/legislacion/ni/cp_nicaragua3.pdf.

³³⁸⁰ *Código de la Niñez y la Adolescencia*, Article 69.

³³⁸¹ *Código Penal de la República de Nicaragua*, Article 203.

³³⁸² ILO-IPEC official, e-mail communication to USDOL official, November 14, 2005.

³³⁸³ U.S. Embassy- Managua, *reporting*, August 12, 2004.

³³⁸⁴ Ministry of Labor, "Trabajo Infantil," *Anuario Laboral 2004* (n.d.).

³³⁸⁵ U.S. Department of State, *Country Reports- 2004: Nicaragua*, Section 5.

³³⁸⁶ Ministerio del Trabajo, República de Nicaragua, Política Institucional, <http://www.mitrab.gob.ni/mision.html>, accessed 8/16/06. See also HRR 2005, section 6d.

³³⁸⁷ U.S. Embassy- Managua, *reporting*, July 26, 2005.

³³⁸⁸ U.S. Department of State, *Country Reports- 2005: Nicaragua*, Section 6d.

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Through CNEPTI, the Government of Nicaragua worked during the year with international organizations, NGOs, and the private sector to implement its 4-year strategic plan (2001-2005) for addressing child labor.³³⁸⁹ This plan has been introduced into municipal government agendas to facilitate local implementation of the plan's objectives. The issue of child labor is also included in the country's National Development Plan.³³⁹⁰ The government's National Council for the Integral Attention and Protection of Children and Adolescents (CONAPINA) directs a 10-year National Action Plan for Children and Adolescents and a 5-year National Plan against the Commercial Sexual Exploitation of Children.³³⁹¹

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	11/2/1981	✓
Ratified Convention 182	11/6/2000	✓
ILO-IPEC Member		✓
National Plan for Children		✓
National Child Labor Action Plan		✓
Sector Action Plan (Commercial Sexual Exploitation)		✓

The Government of Nicaragua participates in a number of ILO-IPEC projects. The government collaborated in a USDOL-funded USD 1.1 million project to combat child labor in garbage scavenging and a Canadian-funded USD 1.1 million project to combat child domestic labor that were completed during 2005.³³⁹² The government continues to participate in two USDOL-funded regional projects: a USD 4 million project to combat hazardous child labor in agriculture and a USD 8.4 million project to combat the commercial sexual exploitation of children.³³⁹³ The government also continues to collaborate in a USD 500,000 ILO-IPEC project to combat child domestic work funded by the Government of the Netherlands.³³⁹⁴

In coordination with the Nicaraguan government, CARE-USA is implementing a USDOL-funded USD 5.5 million regional project to combat exploitative child labor through education.³³⁹⁵ The government also implements a project to prevent and eradicate child labor in small-scale mining and another to combat child labor in the tobacco growing sector.³³⁹⁶ The Ministry of Labor has conducted workshops with employers, workers, trade unions, teachers, parents, and other government agencies on child labor.³³⁹⁷

³³⁸⁹ CNEPTI, *Plan estratégico nacional para la prevención y erradicación del trabajo infantil y protección del adolescente trabajador: Nicaragua, 2001-2005*, Managua, October 2000, 2. See also U.S. Embassy- Managua, *reporting*, July 26, 2005. For a list of member organizations of CNEPTI from both the public and private sectors, see ILO-IPEC, *Ficha País*; available from <http://www.oit.org.pe/ipec/documentos/nicaragua.doc>.

³³⁹⁰ UN Committee on the Rights of the Child, *Written Replies by the Government of Nicaragua Concerning the List of Issues (CRC/C/Q/NIC/3)*, 42 and 46.

³³⁹¹ U.S. Department of State, *Country Reports- 2004: Nicaragua*, Section 5. See also CONAPINA, *Plan Nacional Contra La Explotación Sexual Comercial de Niñas, Niños y Adolescentes 2003-2008*, November 2003.

³³⁹² ILO-IPEC, *Elimination of Child Labor at La Chureca Dump Yard, Department of Managua, Nicaragua: Project Revision Form*, Geneva, June 30, 2005, 3. See also ILO - IPEC official, e-mail communication to USDOL official, November 8, 2005.

³³⁹³ Funding levels are approximate. See ILO-IPEC, *Prevention and progressive elimination of child labour in agriculture in Central America, Panama and the Dominican Republic (Phase II)*, project document, RLA/03/P50/USA, ILO-IPEC, Geneva, September 17, 2003. See also ILO-IPEC, *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, Geneva, September 2005.

³³⁹⁴ ILO - IPEC official, e-mail communication, November 8, 2005.

³³⁹⁵ CARE USA, *APRENDO Project: Combating Exploitive Child Labor Through Education in Central America (Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua) and the Dominican Republic*, 2004.

³³⁹⁶ UN Committee on the Rights of the Child, *Written Replies by the Government of Nicaragua Concerning the List of Issues (CRC/C/Q/NIC/3)*, 56.

³³⁹⁷ *Ibid.*, 49-50.

Through its Program for Children and Adolescents at Risk (PAINAR), the Ministry of Family works to remove children from work, provide counseling to children and their families, and coordinate with other government agencies, the police, and NGOs to provide services.³³⁹⁸ The ministry also operates a “traffic lights” project to assist children who perform odd jobs around traffic intersections.³³⁹⁹ In addition, the ministry provides support to children and adolescents who have been victims of commercial sexual exploitation in Managua.³⁴⁰⁰

The government is implementing a massive birth registration campaign to address long standing problems with registering children from indigenous communities and in rural areas of the country, in order to facilitate their access to schooling and other services, and reduce their vulnerability to crimes such as trafficking.³⁴⁰¹

With assistance from the ILO, the government continued to implement a trafficking awareness campaign specifically for border police and immigration officials and the Women’s Commission of the Police carried out a nationwide trafficking awareness campaign in high schools.³⁴⁰²

The Ministry of Education, Culture and Sports (MECD) is implementing a 15-year National Education Plan that includes strategies to improve teacher training, access to education, and relevance of education, which are common barriers for working children to obtaining an education.³⁴⁰³ The government is also operating a number of specific programs to promote basic education. The government has mounted an effort to eliminate the “voluntary” school fees that are still charged in some areas.³⁴⁰⁴ The government also operates flexible education programs that enable older and out-of-school children to complete primary school.³⁴⁰⁵

Various donors are also providing support to government basic education efforts. With support from USAID, MECD has implemented updated quality curricula and teacher training programs in primary schools.³⁴⁰⁶ UNICEF is implementing programs such as the Child-Friendly and Healthy Schools initiative, which is intended to promote quality teaching and improve school meals and sanitation services in schools.³⁴⁰⁷ With support from the World Food Program and donors such as Japan, MECD operates school feeding programs that encourage attendance.³⁴⁰⁸ The IDB is providing funding of USD 880,000 to MECD to promote completion of basic education among fifth and sixth graders.³⁴⁰⁹ The Government of

³³⁹⁸ U.S. Embassy- Managua, *reporting*, July 26, 2005.

³³⁹⁹ UN Committee on the Rights of the Child, *Written Replies by the Government of Nicaragua Concerning the List of Issues (CRC/C/Q/NIC/3)*, 56.

³⁴⁰⁰ Nicaraguan Embassy Counselor, letter to USDOL official, August 16, 2004.

³⁴⁰¹ UN Committee on the Rights of the Child, *Written Replies by the Government of Nicaragua Concerning the List of Issues (CRC/C/Q/NIC/3)*, 35. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties under Article 44 of the Convention: Concluding Observations*, CRC/C/15/Add.264, Geneva, 2005, 7; available from [http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/e7d17147aa4249f6c1257018002e3a41/\\$FILE/CRC_C_15_Add264\(unedited\).pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/e7d17147aa4249f6c1257018002e3a41/$FILE/CRC_C_15_Add264(unedited).pdf).

³⁴⁰² U.S. Department of State, *Country Reports- 2004: Nicaragua*, Section 5.

³⁴⁰³ Ministry of Education, Sport, and Culture, *Plan Nacional de Educación*, Managua, 2000; available from <http://www.mecd.gob.ni/plan1.asp>.

³⁴⁰⁴ UN Committee on the Rights of the Child, *Summary Record*, 6.

³⁴⁰⁵ Director of Primary Education, letter to Secretary General of the Ministry of Education, Culture, and Sports, October 20, 2003.

³⁴⁰⁶ USAID, *Nicaragua: USAID Program Profile*, [online] May 13, 2005 [cited June 27, 2005]; available from http://www.usaid.gov/locations/latin_america_caribbean/country/program_profiles/nicaraguaprofile.html.

³⁴⁰⁷ UNICEF, *At a glance: Nicaragua, Real Lives, A Day in the Life of a Determined Schoolgirl*, [online] [cited December 16, 2005]; available from http://www.unicef.org/infobycountry/nicaragua_24060.html.

³⁴⁰⁸ Ministry of Education, Culture, and Sports, *Programa Vaso de Leche Escolar*, [online] 2004 [cited June 27, 2005]; available from <http://www.mecd.gob.ni/vaso1.asp>. See also World Food Program, *Country Programme-Nicaragua (2002-2006)*, Rome, April 27, 2001; available from http://www.wfp.org/operations/current_operations/project_docs/100440.pdf.

³⁴⁰⁹ IDB, *Youth and Adult Basic Education Program*, January 21, 2004; available from <http://www.iadb.org/projects/Project.cfm?project=NI0171&Language=English>.

Nicaragua was endorsed for funding from a variety of donors through the World Bank's Education for All Fast Track Initiative, which aims to provide all children with a primary school education by the year 2015.³⁴¹⁰ Currently, the World Bank is providing support for three basic education projects in Nicaragua, for a total funding of approximately USD 69 million.³⁴¹¹

³⁴¹⁰ FTI Secretariat, *Education for All (EFA) -- Fast Track Initiative (FTI): Status Report, Prepared for the Education for All Fast Track Initiative Annual Meeting*, World Bank, n.p., November 2004, 4; available from http://www1.worldbank.org/education/efaiti/documents/Brasilia/status_report_dec6.pdf.

³⁴¹¹ World Bank, <http://web.worldbank.org/external/projects/main?pagePK=64283627&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P078990> (Nicaragua - Education Project, accessed December 16, 2005). See also World Bank, <http://web.worldbank.org/external/projects/main?pagePK=64283627&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P082885> (Nicaragua PRSC I, accessed December 16, 2005). See also World Bank, <http://web.worldbank.org/external/projects/main?pagePK=64283627&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P064906> (Poverty Reduction and Local Development Project, accessed December 16, 2005).